

REMARKS

Claims 1-33 are pending in the application.

Claims 1-16 and 19-33 over Pepe in view of O'Neal

In the Office Action, claims 1-16 and 19-33 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 5,742,668 to Pepe et al. ("Pepe") in view of U.S. Patent No. 6,243,444 to O'Neal ("O'Neal"). The Applicants respectfully traverse the rejection.

Claims 1-6 recite a method wherein in response to a telephone call and without a process server answering the telephone call from a recipient, the process server initiates a process whereby desired information is automatically provided to a recipient. Claims 7 and 8 recite a method of automatically providing an electronic mail message to a communications device after the communications device calls a first phone number and without a process server answering the call from a communications device. Claims 15, 16 and 19-21 recite detecting a first communications device identifier when a first communications device is used to contact a system without the system answering a call from the first communications device and automatically transmitting a first piece of information to the first communications device following retrieval of a first piece of information. Claims 22-33 recite a system and method relying on a second device to automatically respond to a call without the second device answering a call from a first device and to retrieve information, and a transmitter to transmit the information from the second device to a first device using a second telephone number. Thus, claims 1-16 and 19-33 recite automatically providing information to a device/recipient without a process server/system/second device answering a call to the process server/system/second device.

The Office Action acknowledged that Pepe fails to disclose "automatically providing information to a recipient without a communication link being fully established between a recipient and a server" (See Office Action,

page 6). The Office Action relied on O'Neal to allegedly make up for the serious deficiencies in Pepe. The Applicants respectfully disagree.

The Examiner AGAIN acknowledges that O'Neal "teaches responding to a call....terminating the connection with the caller and automatically delivering the electronic file (voice message or other electronic text forms) over a data network to a recipient" at col. 5, lines 36-42, col. 11, lines 38-67 and col. 14, lines 43-56. One cannot TERMINATE a connection with a caller without ESTABLISHING a connection with a caller. Thus, the Examiner ACKNOWLEDGES that O'Neal discloses ESTABLISHING a connection with a caller, requiring a device to FULLY connect to a call. However, to more clearly recite that the recited "process server/system/second device" provides information without fully establishing a connection, claims 1-16 and 19-33 are amended herein to recite automatically providing information to a device/recipient without a process server/system/second device answering a call to the process server/system/second device. Thus, the Examiner ACKNOWLEDGES that O'Neal discloses a system answering a call and subsequently terminating the call NOT disclosing or suggesting a process server/system/second device performing any function without answering a call in response to a call, much less disclose or suggest automatically providing information to a device/recipient without a process server/system/second device answering a call to the process server/system/second device, as recited by claims 1-16 and 19-33.

As pointed out in Applicants' previous Amendment, O'Neal gives a caller an option to record a voicemail message that is transmitted to a recipient via a data-centric network instead of completing a long-distance call (Abstract). A long-distance call is locally intercepted, thereby giving a caller the opportunity to send a voicemail message rather than completing the long-distance call (See O'Neal, col. 10, lines 20-26). By the Examiner's own acknowledgement, O'Neal discloses intercepting and servicing long-distance calls prior to incurring charges at col. 5, lines 36-42, col. 10, lines 20-26 and col. 11, lines 54-65 (See Office Action, page 6). O'Neal gives a caller an option to record a voicemail instead of completing a long-distance call. However, conventionally, to leave a voicemail a

voicemail system must ANSWER a call to record the voicemail. O'Neal fails to disclose or suggest a process server/system/second device performing any function without answering a call in response to a call, much less disclose or suggest automatically providing information to a device/recipient without a process server/system/second device answering a call to the process server/system/second device, as recited by claims 1-16 and 19-33.

Moreover, as previously pointed out to the Examiner, Pepe is directed to a system and method of remotely controlling the receipt and delivery of wireless and wireline electronic text messages (See Abstract). O'Neal's system and method sending a voicemail from a caller to a recipient, saving toll charges. However, Pepe's uses a DIGITAL NETWORK to send text messages that NEVER relies on making a call, much less on long-distance service. Thus, intercepting and servicing Pepe's digital network that NEVER answers a call in the first place is nonsensical.

In response to the Applicants' argument about the nonsensical nature of the Examiner's alleged modification of Pepe with the disclosure of O'Neal, the Examiner points to Pepe's disclosure of a PCI server connected to a Public Switched Telephone Network (See Office Action, page 4). Although Pepe appears to disclose a PCI server that connects to a PSTN, Pepe fails to disclose or suggest such a connection is made with a long distance call. In fact, when most users call an Internet Service Provider to access information over a PSTN, LOCAL access numbers are used and available throughout most of the U.S. to AVOID making a long distance call. Few users would enjoy use of the Internet if having to pay for Internet service and simultaneously pay for long distance calls. Alternately many users connect to a PSTN to use DSL service, which is a digital Internet service over a PSTN NOT based on making a call. Thus, as discussed above, Pepe fails to disclose a user making any call to access a digital network to send a text message, much less disclose or suggest a process server/system/second device performing any function without answering a call in response to a call, much less disclose or suggest automatically providing information to a device/recipient without a process server/system/second device

answering a call to the process server/system/second device, as recited by claims 1-16 and 19-33.

Thus, even if it were obvious to modify Pepe with the disclosure of O'Neal, which it is not since the two inventions are completely unrelated to their solutions to completely unrelated problems in their respective arts, the theoretically modified Pepe would STILL fail to disclose or suggest disclose or suggest a process server/system/second device performing any function without answering a call in response to a call, much less disclose or suggest automatically providing information to a device/recipient without a process server/system/second device answering a call to the process server/system/second device, as recited by claims 1-16 and 19-33.

A benefit of automatically providing information to a device/recipient without a process server/system/second device answering a call to the process server/system/second device is, e.g., saving of toll minutes. Conventionally, an information source that is called by a party calling to retrieve information answers an incoming call, retrieves the desired information and sends the desired information to the calling party. This conventional method of retrieving information requires that an active connection be established between the information source and the calling party. An active connection can be costly with a communication system that charges for each minute the connection remains active, such as a cellular telephone. Therefore, being able to access information from an information source without a process server/system/second device answering a call to the process server/system/second device saves toll charges. The cited prior art fails to disclose or suggest the claimed features of automatically providing information to a device/recipient without a process server/system/second device answering a call to the process server/system/second device.

Accordingly, for at least all the above reasons, claims 1-16 and 19-33 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 17 and 18 over Pepe in view of O'Neal and Yeh

In the Office Action, claims 17 and 18 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Pepe in view of O'Neal, and further in view of U.S. Patent Publication No. 2004/0162747 to Yeh et al. ("Yeh"). The Applicants respectfully traverse the rejection.

Claims 17 and 18 are dependent on claim 15, and are allowable for at least the same reasons as claim 15.

Claims 17 and 18 recite detecting a first communications device identifier when a first communications device is used to contact a system without the system answering a call from the first communications device and automatically transmitting a first piece of information to the first communications device following retrieval of a first piece of information.

As discussed above, Pepe in view of O'Neal fails to disclose or suggest detecting a first communications device identifier when a first communications device is used to contact a system without the system answering a call from the first communications device and automatically transmitting a first piece of information to the first communications device following retrieval of a first piece of information, as recited by claims 17 and 18.

The Office Action acknowledges that Pepe in view of O'Neal fails to disclose designating a selected stock quotation to be transmitted to a first communication device (See Office Action, page 16). However, it is an automatic transmission of such information without a system answering a call from a communications device that is being claimed by claims 17 and 18. Yeh fails to mention anything occurs without answering a call, much less disclose or suggest an automatic transmission of such information without a system answering a call from a communications device, as recited by claims 17 and 18.

Thus, even if it were obvious to modify Pepe with the disclosure of O'Neal and Yeh, the theoretical result would be a conventional answering of an incoming call, i.e., going off-hook, to allow a caller to leave a voicemail message, the voicemail message being relayed to a designated recipient. Pepe in view of O'Neal and Yeh would fail to disclose or suggest detecting a first

communications device identifier when a first communications device is used to contact a system without the system answering a call from the first communications device and automatically transmitting a first piece of information to the first communications device following retrieval of a first piece of information, as recited by claims 17 and 18.

Accordingly, for at least all the above reasons, claims 17 and 18 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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